

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION

This Document Applies to:

American Eagle Outfitters, Inc., v. Visa Inc., et al., 14-cv-00321(MKB)(JO).

No. 05-md-1720(MKB)(JO)

**STIPULATION AND ORDER OF
DISMISSAL WITHOUT PREJUDICE
OF ALL CLAIMS**

WHEREAS, American Eagle Outfitters, Inc. (“American Eagle”), the only plaintiff in *American Eagle Outfitters, Inc., v. Visa Inc., et al.*, 14-cv-00321 (E.D.N.Y.) (MKB) (JO) (the “AEO Action”), originally filed in the Western District of Pennsylvania at Case No. 2:13-cv-01290-AJS and subsequently transferred to and included in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 1:05-md-01720 (E.D.N.Y.) (MKB) (JO) (“MDL 1720”), and Visa Inc., Visa U.S.A. Inc., Visa International Service Association, MasterCard Incorporated, and MasterCard International Incorporated (“Defendants”), which are all of the defendants in the AEO Action, by and through their respective undersigned counsel, hereby stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a), that American Eagle’s claims and action against Defendants be dismissed without prejudice to American Eagle to pursue its claims as a member of any litigation or settlement class, and with each side to bear its own attorneys’ fees and costs.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The claims and action of American Eagle be, and hereby are, dismissed without prejudice and with each side to bear its own attorneys’ fees and costs.

2. In the event that American Eagle, or any of its related or affiliated entities, refiles any action that relates to the subject matter of claims asserted in MDL 1720, such action will be filed in federal court. Further, each plaintiff in such later filed action will consent to, and not oppose, the inclusion of that action in MDL 1720 (if the action is filed in this Court) or the transfer of that action to MDL 1720 for coordinated or consolidated pre-trial proceedings (if the action is filed in any other federal court). Additionally, Defendants will not assert as to such a refiled action a statute of limitations defense based on the filing or pendency of the AEO Action or its dismissal.

3. Nothing in this stipulation or order shall preclude American Eagle or its related or affiliated entities from pursuing claims as members of any litigation or settlement class in MDL 1720 or from opting out of any future litigation or settlement class certified in MDL 1720 if opt-out rights are afforded to that class.

Dated: October 23, 2017

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SO ORDERED:

Dated: _____
Brooklyn, New York

United States District Judge